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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548**

**FILE: B-208358**

**DATE: August 24, 1982**

**MATTER OF: Teal Industries, Inc.**

**DIGEST:**

Protest by manufacturer/distributor that awardee is authorized dealer for only portion of supplies called for under contract is dismissed since Government's acceptance of offer binds awardee to perform in accordance with solicitation and whether awardee can perform is matter of responsibility. Agency's affirmative determination is not reviewed by GAO except in limited circumstances not applicable here.

Teal Industries, Inc. (Teal), protests the General Services Administration's (GSA) award of a contract to R. L. Business Machines (BL) under solicitation FCGEY2 75210-N-2-1702. Teal advises that BL is an authorized teal dealer, but for only a portion of the products covered by the award. Teal apparently objects to one of its dealers selling products manufactured and/or distributed by Teal without Teal's prior authorization.

Any offerer, including BL, which offers, without exception, to supply the product described in the solicitation is bound by that offer to perform in accordance with the specifications upon award of the contract. 52 Comp. Gen. 955 (1973). BL's ability to furnish the products is a matter of responsibility. An affirmative determination of BL's responsibility was a condition precedent to its receipt of the protested award. Federal Procurement Regulations § 1-2.407-2 (1964 ed. amend. 139). We do not review protests against affirmative determinations of responsibility absent an allegation of fraud on the part of the procuring officials or an allegation that procuring officials have failed to apply definitive responsibility criteria set out in the solicitation. Virginia - Maryland Associates, Inc., B-192275, July 21, 1978, 78-2 CPD 61. Teal has not alleged either exception here.

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Accordingly, the protest is dismissed.

*Harry R. Van Cleve*  
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Acting General Counsel